

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
MAKSIM BOIKO,)
Defendant.)
Criminal No. 2:20-cr-00383-MJH
ELECTRONICALLY FILED

**UNOPPOSED MOTION TO CONTINUE DEADLINE FOR SUBMITTING
DEFENDANT'S POSITION WITH RESPECT TO SENTENCING FACTORS AND TO
ADJOURN SENTENCING**

Comes Now, the Defendant, MAKSIM BOIKO, by and through his attorney, Arkady Bukh, Esq., Esq., respectfully moves this Honorable Court for an entry of an Order continuing the deadline for Defendant's Position with Respect to Sentencing Factors, which is currently due on 3/11/2021, to May of 2021, and adjourn Defendant's sentencing hearing scheduled for 4/8/2021, to a date in June of 2021, convenient to the Court and the United States. In support of said Motion, the defense counsel states as follows:

Defendant MAKSIM BOIKO, through his Counsel, Arkady Bukh, Esq., files the
within Motion and respectfully states as follows:

1. Pursuant to Court's Order, Defendant's Position with Respect to Sentencing Factors is due by 3/11/2021. Dkt. No. 36.
2. Defendant's sentencing is scheduled for 4/8/2021. Id.
3. Defense is unable to file said Defendant's Position with Respect to Sentencing Factors on 3/11/2021 due to its inability to timely obtain information relevant to the sentencing factors, including but not limited to, Defendant's character letters and other

documents providing favorable information relevant to Defendant's character. This information is located overseas and it could not be obtained with all due diligence before the scheduled deadlines.

5. Moreover, we are just advised by Mr. Charles A. "Tod" Eberle IV Chief of National Security & Cyber Section with U.S. Attorney's Office, Western District of Pennsylvania that Attorney Alek El-Kamhawy recently met with Mr. Boiko to discuss representing him in the current case. Mr. El-Kamhawy wants to enter his appearance but expressed his concern about the upcoming sentencing date. As an incoming counsel who is going to replace my firm, upon information and belief, he wants to continue the sentencing to give him sufficient time to come up to speed on the case and adequately prepare for sentencing.

4. Under Rule 32(b)(1) of the Federal Rules of Criminal Procedure, “[t]he court must impose sentence without unnecessary delay.” Still, “[t]he court may, for good cause, change any time limits prescribed in this rule.” Id. Rule 32(b)(2). When deciding a motion for a continuance, a court should consider the efficient administration of criminal justice, the accused's rights, and the rights of other defendants who may be prejudiced by a continuance. United States v. Kikumura, 947 F.2d 72, 73 (3d Cir. 1991); United States v. Chapman, 915 F.3d 139, 144 (3d Cir. 2019).

5. As such, since defense counsel needs additional time to draft Defendant's Position with Respect to Sentencing Factors and to prepare the case for sentencing, it is requested that the Court move the deadline for Defendant's Position with Respect to Sentencing Factors to May of 2021, and to move the sentencing date to June of 2021.

6. The defense avers that the ends of justice served by granting of the continuance outweigh the best interest of the public and the defendant in a speedy trial and sentencing.

7. Defense counsel also avers that failure to grant a continuance in this case would deny the defendant reasonable time necessary for effective preparation.

8. Assistant United States Attorney Charles A. "Tod" Eberle IV concurs in this motion.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter the attached Proposed Order ordering Court to move the deadline for Defendant's Position with Respect to Sentencing Factors to May of 2021, and to move the sentencing date to June of 2021.

Dated: March 10, 2021

Respectfully Submitted,

/s/ Arkady Bukh

Counsel for the Defendant
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Brooklyn, NY11235

cc: All ECF Registered Counsel of Record